



Senate

General Assembly

File No. 810

January Session, 2011

Substitute Senate Bill No. 847

Senate, May 18, 2011

The Committee on Appropriations reported through SEN. HARP of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING SEXUAL VIOLENCE ON COLLEGE CAMPUSES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2011*) (a) For purposes of this
2 section:

3 (1) "Awareness programming" means programming designed to
4 communicate the prevalence of sexual assaults and intimate partner
5 violence, including the nature and number of cases of sexual assault
6 and intimate partner violence reported at each institution of higher
7 education in the preceding three calendar years;

8 (2) "Institution of higher education" means an institution of higher
9 education as defined in section 10a-55 of the general statutes;

10 (3) "Intimate partner violence" means any physical, sexual or
11 psychological harm against an individual by a current or former
12 spouse of or person in a dating relationship with such individual that

13 results from any action by such spouse or such person that may be
14 classified as a sexual assault under section 53a-70, 53a-70a, 53a-70b,
15 53a-71, 53a-72a, 53a-72b or 53a-73a of the general statutes, stalking
16 under section 53a-181c, 53a-181d or 53a-181e of the general statutes, or
17 domestic violence as designated under section 46b-38h of the general
18 statutes;

19 (4) "Primary prevention programming" means programming and
20 strategies intended to prevent sexual assault and intimate partner
21 violence before it occurs by means of changing social norms and other
22 approaches;

23 (5) "Sexual assault" means a sexual assault under section 53a-70,
24 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a of the general statutes; and

25 (6) "Uniform campus crime report" means a campus crime report
26 prepared by an institution of higher education pursuant to section 10a-
27 55a of the general statutes.

28 (b) Each institution of higher education shall adopt and disclose in
29 such institution's annual uniform campus crime report a policy
30 regarding sexual assault and intimate partner violence. Such policy
31 shall include provisions for (1) providing students and employees of
32 the institution who report being the victim of sexual assault or intimate
33 partner violence both contact information for and, if requested,
34 professional assistance in accessing and utilizing campus, local
35 advocacy, counseling, health, mental health and legal assistance
36 services, and written information concerning the rights of such
37 students and employees to (A) notify law enforcement of such assault
38 or violence and to receive assistance from campus authorities, and (B)
39 obtain a protective order, apply for a temporary restraining order or
40 seek enforcement of an existing protective or restraining order,
41 including, but not limited to, orders issued pursuant to sections 46b-15,
42 46b-38c, 53a-40e, 54-1k, 54-82q and 54-82r of the general statutes,
43 against the perpetrator of such assault or violence; (2) notifying such
44 students and employees of the reasonably available options for and
45 available assistance from such institution in changing academic, living,

46 transportation or working situations in response to such assault or
47 violence; (3) honoring any lawful protective or temporary restraining
48 orders, including, but not limited to, orders issued pursuant to sections
49 46b-15, 46b-38c, 53a-40e, 54-1k, 54-82q and 54-82r of the general
50 statutes; (4) disclosing the range of sanctions that may be imposed
51 following the implementation of such institution's disciplinary
52 procedures in response to such assault or violence; (5) detailing the
53 procedures that such students and employees should follow after the
54 commission of such violence, including persons or agencies to contact
55 and information regarding the importance of preserving physical
56 evidence of such assault or violence; and (6) disclosing a summary of
57 such institution's disciplinary procedures, including clear statements
58 advising such students and employees that (A) accusers of such assault
59 or violence shall have the opportunity to request that disciplinary
60 proceedings begin promptly, (B) disciplinary proceedings shall be
61 conducted by an official trained in issues relating to sexual assault or
62 intimate partner violence and shall use the preponderance of the
63 evidence standard in making a determination concerning the alleged
64 assault or violence, (C) both the accuser of such assault or violence and
65 the accused perpetrator are entitled to be accompanied to any meeting
66 or proceeding relating to the allegation of such assault or violence by
67 an advisor of their choice and that such accuser and accused shall have
68 the opportunity to present evidence and witnesses on their behalf
69 during any disciplinary proceeding, (D) both such accuser and accused
70 are entitled to be informed in writing of the results of any disciplinary
71 proceeding not later than one business day after the conclusion of such
72 proceeding, and (E) the identity of both such accuser and accused shall
73 be kept confidential by the institution of higher education, provided
74 such confidentiality does not violate state law.

75 (c) Each institution of higher education shall, within existing
76 budgetary resources, offer (1) sexual assault and intimate partner
77 violence primary prevention and awareness programming for all
78 students and employees that includes an explanation of the definition
79 of consent in sexual relationships and information concerning the
80 reporting of incidences of such assaults and violence, bystander

- 81 intervention and risk reduction; and (2) ongoing sexual assault and
82 intimate partner violence prevention and awareness campaigns.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2011</i>	New section
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APP *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Colleges, Regional Comm.-Tech.	GF - Cost	100,000	100,000
CT State Univ.; UConn	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a cost of \$100,000 to the Regional Community Technical Colleges (RCTC) as it would require prescribed programming for sexual violence awareness not already provided at the 12 campuses. The RCTCs would require ongoing contracted staffing to offer (1) sexual assault and intimate partner violence primary prevention and awareness programming for all students and employees and (2) ongoing prevention and awareness campaigns.

The University of Connecticut and the Connecticut State University System currently offer such programming and would not incur any costs due to the bill.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 847****AN ACT CONCERNING SEXUAL VIOLENCE ON COLLEGE CAMPUSES.****SUMMARY:**

This bill requires public and private institutions of higher education to adopt and disclose a policy on sexual assault and intimate partner violence. The policy must include provisions for (1) providing information to students and employees about their options for assistance if they are victims of such violence, (2) disciplinary procedures, and (3) possible sanctions. Institutions must include the policy in their uniform campus crime report, which is produced annually and made available to students, employees, and applicants for admission.

The bill also requires institutions, within existing budgetary resources, to offer (1) sexual assault and intimate partner violence primary prevention and awareness programming for all students and employees and (2) ongoing prevention and awareness campaigns.

EFFECTIVE DATE: July 1, 2011

INSTITUTION POLICY***Policy Requirements***

The bill requires institutions of higher education to adopt and disclose a policy on sexual assault and intimate partner violence. Under the bill, "sexual assault" means 1st, 2nd, 3rd, and 4th degree sexual assault as defined by law, as well as aggravated 1st degree sexual assault and 3rd degree sexual assault with a firearm as defined by law. "Intimate partner violence" means any physical, sexual, or psychological harm against an individual by a current or former spouse or by a partner in a dating relationship that results from (1)

sexual assault as defined above; (2) sexual assault in a spousal or cohabiting relationship as defined by law; and (3) domestic violence and 1st, 2nd, and 3rd degree stalking as defined by law.

The policy must have a provision for providing contact information for and, if requested, professional assistance to students and employees in accessing and using campus, local advocacy, counseling, health, mental health, and legal assistance services.

It must also have a provision for providing written information about a victim's rights to (1) notify law enforcement and receive assistance from campus authorities and (2) obtain a protective order, apply for a temporary restraining order, or seek enforcement of an existing order. Such orders include (1) standing criminal protective orders; (2) protective orders issued in cases of stalking, harassment, sexual assault, risk of injury to, or impairing the morals of a child; (3) temporary restraining orders or protective orders prohibiting the harassment of a witness; (4) relief from physical abuse by family or household member or person in dating relationship; and (5) family violence protective orders.

Additionally, the policy must include provisions for:

1. notifying students and employees of available assistance from the institution and reasonably available options for changing academic, living, transportation, or working situations;
2. honoring lawful or temporary restraining orders;
3. disclosing the range of possible sanctions that the institution may impose;
4. detailing the procedures to follow after the commission of such violence, including persons or agencies to contact and information on the importance of preserving physical evidence; and
5. summarizing the institution's disciplinary procedures.

Disciplinary Procedures

The summary of the institution's disciplinary procedures must include clear statements advising students and employees that (1) accusers can request that disciplinary proceedings begin promptly and (2) the proceedings must (a) be conducted by an official trained in issues relating to sexual assault and intimate partner violence and (b) use the preponderance of the evidence standard (i.e., whether it is more likely than not that the alleged incident occurred).

Additionally, the statements must provide that both the accuser and the accused are entitled to:

1. be accompanied to any meeting or proceeding by an advisor of their choice,
2. present evidence and witnesses on their behalf,
3. be informed in writing of the results no later than one business day after the proceeding concludes, and
4. have their identities kept confidential by the institution to the extent allowed by state law.

PREVENTION AND AWARENESS PROGRAMMING

The bill requires institutions, within existing budgetary resources, to offer sexual assault and intimate partner violence primary prevention and awareness programming for all students and employees. The programming must (1) explain the definition of consent in sexual relationships and (2) provide information on the reporting of such assaults and violence, bystander intervention, and risk reduction. Institutions must also offer ongoing prevention and awareness campaigns.

Under the bill, "awareness programming" is designed to communicate the prevalence of sexual assault and intimate partner violence, including the nature and number of cases reported at each institution in the preceding three calendar years. "Primary prevention

programming” is intended to prevent such violence before it occurs by changing social norms and other approaches.

BACKGROUND

Legislative History

The Senate referred the bill (File 639) to the Appropriations Committee, which reported a substitute that required the prevention and awareness programming to be provided within existing budgetary resources.

COMMITTEE ACTION

Higher Education and Employment Advancement Committee

Joint Favorable Substitute

Yea 17 Nay 0 (02/22/2011)

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (04/14/2011)

Appropriations Committee

Joint Favorable Substitute

Yea 51 Nay 0 (05/10/2011)